



Myth: The Medicare Access and CHIP Reauthorization Act (MACRA) and Justice for Victims of Trafficking Act (JVTA) contain the same language that restricts abortion services through the so-called Hyde Amendment. If Democrats are willing to support the language on the “doc fix” package, they should have no problem supporting it on a bill to help trafficking victims.

Fact: The Hyde provision included in the trafficking bill is NOT the same as language in MACRA. In fact, the restriction on the full range of women’s health services language in JVTA is unprecedented in its scope because it would expand these restrictions to non-taxpayer funds for the first time.

- The Hyde Amendment’s historical purpose is to restrict taxpayer funding of abortion services, but the trafficking bill does not include taxpayer financing of anything. Instead, the JVTA funds are raised through fines that would be collected from convicted traffickers and sex offenders. There has never been a fund, financed with non-taxpayer dollars, that has been restricted by the Hyde Amendment. [Washington Post, [3/27/15](#)]
- The Hyde Amendment began as a policy rider restricting reproductive health services for low-income women in the Medicaid program. Republicans have since pushed to expand these restrictions beyond Medicaid, reaching into funding for community health centers, private market plans and elsewhere.
- On the JVTA, they are attempting to push the Hyde Amendment into a new frontier by applying the language to non-taxpayer dollars as the latest part of their ongoing campaign to roll back the clock on women’s rights. As a result of this effort, many women in the United States have little choice or access to the full range of reproductive services to which they are constitutionally entitled. [Guttmacher Institute, [1/5/15](#)]
- The further expansion of the Hyde language in JVTA threatens the constitutional right women have to access the full range of critical health care services they need, specifically for sexually trafficked girls and women – the very individuals who are most likely to need abortion services.
- The JVTA is about helping survivors of trafficking, including many women who have been sexually trafficked, rebuild their lives. Studies of the health consequences of sex trafficking revealed that female victims frequently experienced trafficking-related pregnancies. Nearly three-fourths of respondents said they had a pregnancy while being trafficked; one-fifth of these reported five or more pregnancies. Without access to the full range of reproductive services, many of these women instead have unsafe abortions at the hands of their traffickers. [Loyola School of Chicago, [2014](#); London School of Hygiene and Tropical Medicine, [2003](#)]
- Republicans claim that all victims of trafficking will be able to access safe abortion care, because the Hyde Amendment makes an exception for pregnancies that result from rape. However, the rape exception would not apply to the victims the trafficking bill is aimed at helping. There is no federal statute that defines a sex trafficking survivor as a victim of rape and victims of the heinous crime of sex trafficking would have to show that they were victims of rape. This would prevent many trafficking victims from accessing the full range of health care services they need. Indeed, often these women are treated as

prostitutes and put through our juvenile justice system and prosecuted as criminals, not victims. [[18 USC 1591](#); [22 USC 7102](#)]

Myth: Senate Republicans are offering a new plan to compromise on the Hyde Amendment language in JVT A.

Fact: There is nothing “new” about the Republican proposal. It would still be an unprecedented expansion of the Hyde Amendment to non-taxpayer dollars as part of an effort to turn back the clock on women’s rights.

- Sen. Cornyn’s proposal still seeks to expand the Hyde Amendment to non-taxpayer dollars for the first time in history and continue Republicans’ ongoing campaign to roll back the clock on women’s rights.
- Despite an elaborate shell game designed to hide the Hyde Amendment expansion, the bottom line remains the same – the funds that are collected from fines on convicted traffickers are non-taxpayer dollars and should not be subject to Hyde Amendment restrictions.
- Under the Republican accounting gimmick, these non-taxpayer dollars are first moved to the General Treasury Fund; from there, an equal amount of money is moved to the Trafficking Victims’ Fund. At that point, the Republican proposal attaches Hyde Amendment restrictions.
- Funneling this money through the General Treasury Fund doesn’t change its origin – these are still non-taxpayer dollars collected from fines on convicted traffickers.
- Expanding the Hyde Amendment to non-taxpayer dollars would be a dramatic expansion of restrictions on women’s access to the full range of constitutionally protected reproductive services – there has never been a fund, financed with non-taxpayer dollars, that has been restricted by the Hyde Amendment. [Washington Post, [3/27/15](#)]

